

REMARKS

In the final Office Action, the Examiner rejects claims 1, 3-11, and 46-51 under 35 U.S.C. § 103(a) as unpatentable over PETROPOULOS (U.S. Patent Application Publication No. 2005/0027670) in view of PONTE (U.S. Patent No. 6,826,559). Applicants traverse this rejection. Claims 1, 3-11, and 46-51 are pending.

Independent claim 1 recites a method that is performed by one or more server devices. PETROPOULOS and PONTE, whether taken alone or in any reasonable combination, do not disclose or suggest one or more of the features recited in claim 1.

For example, PETROPOULOS and PONTE do not disclose or suggest determining, by one or more processors of the one or more server devices, whether a query is a commercial query by identifying the query as a commercial query when one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns. The Examiner admits that PETROPOULOS does not disclose “matching the terms of the query to a commercial query pattern” (final Office Action, pp. 3-4). The Examiner relies on Figs. 25 and 41 and column 1, lines 52-64; column 13, line 54 – column 14, line 25 (which describes Fig. 25); and column 36, line 39 – column 37, line 42 (which describes Fig. 41) of PONTE as allegedly disclosing this feature of claim 1 (final Office Action, pp. 3-4). Applicants respectfully disagree with the Examiner’s interpretation of PONTE.

At column 1, lines 52-64, PONTE discloses:

Provided herein are methods and systems for establishing super-category lists for use in an on-line query tool. The methods and systems may include obtaining categories of documents, such as yellow pages categories, that may be retrieved with the query tool, each category having terms or words that appear in the category. The methods may further include establishing super-category terms for the documents, mapping each of the categories to a super-category term and establishing a super-category list, each element of the list including a super-category term and the terms in the categories that are mapped to that super-category term. Advertisement may be matched to the super-category terms.

This section of PONTE discloses establishing super-category lists for use in an on-line query tool by obtaining categories of documents that may be retrieved with the query tool, each category having terms or words that appear in the category. This section of PONTE has nothing to do with identifying a query as a commercial query when one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns. Nowhere in this section, or elsewhere, does PONTE disclose or suggest determining, by one or more processors of the one or more server devices, whether a query is a commercial query by identifying, by the processor, the query as a commercial query when the one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns, as recited in claim 1. In fact, this section of PONTE has nothing to do with determining whether a query is commercial at all. Instead, this section of PONTE merely discloses mapping categories of documents to super-category terms.

At column 13, line 54 - column 14, line 25 (which describes Fig. 25), PONTE discloses:

Generally, the markup language files include one file or document per business for which there is an advertisement, for example, in this particular embodiment. Each of the markup language files 906 includes markup language statements, such as SGML-like statements, with tags identifying key data items in the document for each business. In this particular embodiment, the information retrieval software is Verity software which uses as input markup language files 906. Additionally, Verity uses its own schema file by which a user indicates what key words or terms as indicated in the markup language files are searchable and which of the data fields contain retrievable information. "Searchable" as used herein means fields or key words and terms upon which searches may be performed, like index searching keys. "Retrievable" as used herein generally means fields or categories with associated data that may be retrieved. All searchable fields have a tag, such as a business name or city. Identifiers are generally produced by the information retrieval software 908. Verity™, in this particular embodiment, produces term lists 836 in which there exists a list for each particular key word, term or category followed by a chain of identifiers that indicate the record number in the denormalized data store 904. Additionally, associated with each element in the term list which indicates a record in the denormalized data, retrievable data associated with that record may also be included. For example, if the field "zip code" includes a tag as included in the mark-up language file 906 which indicates that this particular field is searchable, it may be desired that whenever a user wishes to do a search for "zip code" what is actually retrieved or

displayed to the user is the city and the state. Accordingly, in this instance, the term list and the term list data store 836 contain a list corresponding to the key word "zip code". There is a term list for each particular value of a zip code. Attached to each key word "zip code" and the particular value may be a list or a chain of identifiers. Associated with each identifier on the chain may be associated data, such as the city and state, which may be retrieved when a particular zip code is searched.

This section of PONTE discloses that the markup language files include one file or document per business for which there is an advertisement. Each of the markup language files includes markup language statements with tags identifying key data items in the document for each business. This section of PONTE has nothing to do with identifying a query as a commercial query when one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns. Nowhere in this section, or elsewhere, does PONTE disclose or suggest determining, by one or more processors of the one or more server devices, whether a query is a commercial query by identifying the query as a commercial query when the one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns, as recited in claim 1. In fact, this section of PONTE has nothing to do with determining whether a query is commercial at all.

At column 36, line 39 – column 37, line 42 (which describes Fig. 41), PONTE discloses retrieving a set of matching categories for a query. This section of PONTE further discloses that a user may then select categories among the matching categories to receive further sub-categories or documents, such as advertisements, that correspond to the categories. This section of PONTE has nothing to do with identifying a query as a commercial query when one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns. Nowhere in this section, or elsewhere, does PONTE disclose or suggest determining, by one or more processors of the one or more server devices, whether a query is a commercial query by identifying the query as a commercial query when the one or

more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns, as recited in claim 1. In fact, this section of PONTE has nothing to do with determining whether a query is commercial at all.

In response to similar arguments made in a previous response, the Examiner alleges that PONTE discloses “that when the user enters a query for a particular location, the system retrieves a matching document from term lists <i.e., commercial or non-commercial query patterns> that correspond to a ranking of the user-entered query” and relies on column 36, line 39 – column 37, line 42 of PONTE for support (final Office Action, pg. 8). Applicants disagree.

At column 36, line 39 – column 37, line 42, PONTE discloses that when a location and a category are entered by a user, the information retrieval software could perform an intersection of the two sets of results and perform a ranking of the related categories or listings. This section of PONTE does not disclose or suggest matching a query to a commercial query pattern in a list of commercial query patterns. In fact, this section of PONTE does not disclose determining if the query is a commercial query at all. Rather, this section of PONTE merely discloses intersecting search results. This section of PONTE does not disclose or suggest determining, by one or more processors of the one or more server devices, whether a query is a commercial query by identifying the query as a commercial query when one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns, as recited in claim 1.

Thus, even if PONTE could reasonably be combined with PETROPOULOS, such a combination would not disclose or suggest the above feature of claim 1. Rather, the combination of PONTE and PETROPOULOS would yield a method of ranking search results, as disclosed by PETROPOULOS, by categorizing search results, as disclosed by PONTE. The combination of

PETROPOULOS and PONTE would in no way disclose or suggest determining, by one or more processors of the one or more server devices, whether a query is a commercial query by identifying the query as a commercial query when one or more terms of the query, in any particular order, matches the commercial query pattern in the list of commercial query patterns, as recited in claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is patentable over PETROPOULOS and PONTE, whether taken alone or in any reasonable combination.

Claims 3-8 depend from claim 1. Therefore, these claims are patentable over PETROPOULOS and PONTE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Claims 9-11 recite features similar to features recited above with respect to claim 1. Therefore, claims 9-11 are patentable over PETROPOULOS and PONTE, whether taken alone or in any reasonable combination, for reasons similar to the reasons given above with respect to claim 1.

Claims 46 and 47 depend from claim 9. Therefore, these claims are patentable over PETROPOULOS and PONTE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 9.

Claims 48 and 49 depend from claim 10. Therefore, these claims are patentable over PETROPOULOS and PONTE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 10.

Claims 50 and 51 depend from claim 11. Therefore, these claims are patentable over PETROPOULOS and PONTE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 11.

In light of the above, Applicants request reconsideration and withdrawal of the rejection of claims 1, 3-11, and 46-51 under 35 U.S.C. § 103(a) based on PETROPOULOS and PONTE.

Conclusion

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone to expedite prosecution of the application.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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